87-968

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

In the Supreme Court

OF THE

United States

OCTOBER, 1987

No. _____

JOHN E. SKORKO
Petitioner,

v.

ELAINE G. SKORKO
Respondent

PETITION FOR A WRIT OF CERTIORARI, TO THE SUPREME COURT OF NEW HAMPSHIRE

John E. Skorko, Esq.
44 W. Broadway
Derry, NH 03038
Tel: (603) 434-0551
Pro Se, for the Petitioner

Dean Printing, Inc., Manchester, New Hampshire

22pp

QUESTION PRESENTED

Whether the inequitable division of property award in a no-fault divorce case, granting in excess of 80% of the marital assets to the female, in the absence of any findings by the trial court is sex discrimination and contrary to the equal protection provisions of the 14th Amendment to the United States Constitution?

THE PARTIES

Listed below are the parties to the proceedings in the Supreme Court of New Hampshire whose judgment is sought to be reviewed:

Plaintiff - Appellee: Elaine G. Skorko

Defendant - Appellant: John E. Skorko

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OCTOBER TERM, 1987

John E. Skorko
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Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE NEW HAMPSHIRE SUPREME COURT

OPINIONS BELOW

The trial court's Final Divorce Decree No. M-85-708 is unreported. It is attached hereto as Appendix B. The New Hampshire Supreme Court decision summarily affirming the lower court is unreported and is attached hereto as Appendix A.

JURISDICTION

The judgment of the Supreme of New Hampshire was entered on September 17, 1987. This Court's jurisdiction is invoked under 28 U.S.C. Sec. 1257(3).

STATUTE INVOLVED

Property distribution in New Hampshire is governed by the following statute:

458:19 Alimony. Upon a decree of nullity or divorce, the court may order alimony to be paid for such length of time as the parties may agree or the court orders. In determining the amount of alimony, the court shall consider the length of the marriage, the age, health station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court may also consider the contribution of each of the parties in the acquisiton, preservation, or appreciation in value of their respective astates and the non-economic contribution of each of the parties to the family unit. The unanticipated consequences of changes in federal tax legislation or regulations may be grounds to modify any alimony order or agreement. [1]

STATEMENT OF THE CASE

The parties were married on September 10, 1966. Elaine Skorko, a registered nurse, filed a Libel for Divorce on April 23, 1985 on the grounds of irreconcilable differences. John Skorko, an attorney in private practice in Derry, on June 28, 1985, filed an Answer and Cross Libel for divorce alleging irreconcilable differences. Both parties requested joint legal and physical custody of their two minor children.

The merits were heard before a Marital Master over the course of one year on 4 days, being March 21, 1986, June 25, 1986, November 25, 1986 and February 20, 1987. The primary issues in dispute were the physical custody of the minor child, Frank, and the division of the marital assets.

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[1] See NH RSA 458:16A effective January 1, 1988, which further delineates property distribution, and which includes the following language: "The court shall presume that an equal division is an equitable distribution of property. . ."

At trial the evidence indicated that Frank was a 14 year old honor-roll student, an able, and normal youngster who was not in need of any counseling regarding the divorce proceedings. On March 17, 1987, the New Hampshire Superior Court granted physical custody of the child to the mother against the boy's clearly expressed desire to reside with his father. This was not contested before the New Hampshire Supreme Court.

Although this was a no fault divorce, the New Hampshire Superior Court awarded the Plaintiff between 80% - 86%[1] (depending on valuation) of the marital assets, stating that the Plaintiff was the major wage earner in the family during the marriage, that the Defendant did not exert his full efforts to the practice of law and had the potential to produce more, and that the Defendant, who appeared pro se, was not as straight forward with the court as circumstances warranted. At trial, the Defendant presented evidence that the reason he did not earn more income was because he conscientiously attempted to spend greater time nurturing and tending to his minor children than in his law office.

On April 10, 1987 the Defendant filed a Motion for Rehearing. Among other prayers, the Defendant requested that the court specify the valuations placed upon the marital assets, and how it specifically determined that the Defendant be awarded between 14% and 20% of the parties' assets in a no-fault divorce. His May 12, 1987, his motion was denied.

On September 21, 1987 notice was received that the New Hampshire Supreme Court summarily affirmed the trial court's decision. No opportunity was provided to brief the issues raised nor to present oral argument.

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[1] See Appendices E and F.

REASONS FOR GRANTING THE PETITION

I
THE ISSUE PRESENTED INVOLVES EVERY STATE AND MILLIONS OF PEOPLE WHO ARE DIVORCED IN THE UNITED STATES EVERY YEAR.

With the possible exception of motor vehicle regulations, no other area of law affects United States citizens more than the rights between couples experiencing divorce. From 1979 to 1985, fifty percent (50%) of all marriages ended in divorce[2] and the trend continues today. The rights hanging in the balance when a marriage ends are custody of minor children, support and the division of property.

During the last 10 to 15 years, the Supreme Court has sparingly reviewed marital cases except for the specific purpose of righting a grievous wrong.[3] This is such a case.

New Hampshire law governing divorce requires the trial court to distribute the marital estate equally between the parties unless the court makes findings of fact making such division inequitable. This has not been done here and the record make it impossible to determine the criteria which was applied by the trial court in granting such and imbalanced award. The award of eighty percent

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[2]The marriage rate for the years 1979 to 1985 respectively, 1979 - 2,337,337; 1980 - 2,390, 252; 1981 - 2,422,145; 1982 - ,278; 1983 - 2,445,605; 1984 - 2,477,192; 1985 - 2,425,000. The divorce rate for years 1979 to 1985 respectively, 1979 - 1,181,000; 1980 - 1,189,000; 1981 - 1,213,000; 1982 - 1,170,000 1983 - 1,179,000; 1984 - 1,155,000; 1985 - 1,187,000. Monthly Vital Statisic Reports, (1986) National Center of Health Statistics, United States Department of Health and Human Services, Washington, DC.

[3]Orr v. Orr 440 U.S. 268, 99 S. Ct. 1102, 59 L. Ed 2d 306 (1979). The Supreme Court held an Alabama statute which provided that husbands, but not wives, may have to pay alimony after divorce, violated the Equal Protection Clause of the Fourteenth Amendment.

(80%) or more of the marital estate results in a grievous and unconstitutional bias favoring the female.

It is important that people experiencing divorce come away with a sense that they have been treated fairly and justly by our justice system. In a case such as this when one of the parties leaves the court stripped of virtually all his possesions with little explanation as to the reason, disrespect for the law and dissatisfaction for our justice system can arise.

This case offers the Court an opportunity to reaffirm the dignity of both parties experiencing a dissolution of their marriage and to guarantee that neither one shall profit at the expense of the other when the final divorce decree is entered.

II
THE SUPREME COURT, AS THE COURT OF LAST RESORT, HAS NOT HESITATED TO CORRECT INSTANCES OF SEX DISCRIMINATION.

In the last two decades, the Supreme Court has addressed sex discrimination in cases ranging from employment[5] to voting.[6] Most of these cases have involved biases against women. However, the changing societal roles of men and women now

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[5] Phillips v. Martin Marietta Corp., 400 U.S. 542 94 S.Ct. 456, 27 L. Ed 2d 613 (1973). A woman being discriminated against as a mother of pre school age children was found to be a violation of Sec. 703 of the Civil Rights Act of 1964. The Supreme Court held that "Sec. 703(a) could not be read as permitting one hiring policy for women and another for men, where each had pre school age children. . ."

[6] Williams v. Rhodes, 393 U.S. 23, 89 S. Ct 5, 21 L. Ed 9d 2d 24 (1968). The Supreme Court decided that the Fifteenth Amendment was meant to prohibit both the federal and state governments from discriminating against race and sex by denying the right to vote in presidential elections.

create circumstances where men are being discriminated against.[7] For example, the stereotypical state court decision favoring women in divorce cases has been challenged both at the federal[8] and the state level.[9]

In Orr v. Orr, 440 U.S. 268, 99 S. Ct. 1102, 59 L. Ed 2d 366 (1979), the Supreme Court specifically addressed sex discrimination in a divorce context. The Court said that in order for the Alabama statute "to withstand scrutiny under the Equal Protection Clause, classifications by gender must serve important governmental objectives and must be substantially related to achievement of those objectives." It held that the gender classifications did not serve a valid purpose; therefore there was no justification for the sex discrimination.

The Court has also stated that "neither a state nor national government can rely on archaic and overboard generalizations about the sexes to allocate their benefits and burdens."[10] The thrust of these cases requires the state to have a rational interest to protect in favoring gender discrimination.

In this case, the trial court did not dilineate its rationale for its inequitable distribution. Instead, the trial court discriminated against the male for not earning as much money as possible and discounted the father's valuable contribution in the time he spent in nurturing and rearing his children.

7In Stanton v. Stanton, 421 U.S. 7, 95 S. Ct 1373, 1415, 43 L. Ed2d 688 (1975), the Court stated, "No longer is the female destined solely for the home and rearing of the family, and only the male for the marketplace and the world of ideas."

8Orr v. Orr, Id.

9 Throughout the United States many state legislatures have drafted statutes equalizing the division of property in divorce cases according to need and other factors such as length of marriage and individual contributions to the marital assets. "Family Law in the Fifty States: An Overview", XIX Fam. L.Q. 331 (1986).

10Schlesinger v. Ballard, 419 U.S. 498, 508, 95 S.Ct 572 42 L. Ed 2d 610 (1975).

The trial court failed to apply any established standards, enter any findings of fact, or delineate any rational reason for the discriminatory result reached in its final decree.

Fathers have an important role to perform and courts should not discourage or devalue this role by reinforcing the age-old stereotype that the male's prime role is to make money first and to spend time with his children second. Here, the defendant earned a decent and consistent salary equal to or slightly in excess of that of his wife during the marriage. He should not be penalized in a divorce because he chose to elevate his role of being a good father. Surely, if the mother had chosen not to work and instead to spend more time with her children, it is not likely any court would have faulted nor penalized her financially by doing so.

As the Court has taken bold steps during the last three decades to make the Constitution color blind, so too must it continue the trend to eliminate sexual bias and stereo-typing of roles based on gender in our society.[11] The Equal Protection Clause of the Fourteenth Amendment demands that persons not be discriminated against on the basis of their sex.

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[11] In Palmore v. Sidoti, 104 U.S. 1879, 80 L. Ed 3d (1984), Chief Justice Burger, speaking for a unanimous Court, threw out a custody award to the father because the white mother had remarried a black. He said: "Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect."

CONCLUSION

For the reasons stated above, a Writ of Certiorari should issue to review the judgment of the Supreme Court of New Hampshire.

Respectfully Submitted,

John E. Skorko
44 W. Broadway
Derry, NH 03038
Tel: (603) 434-0551
Pro Se, for the Petitioner

December 15, 1987

Appendix A

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 87-183 Elaine G. Skorko v. John E. Skorko the court upon September 17, 1987 made the following order:

Defendant's motion to file appeal late is granted. Decision below is summarily affirmed in accordance with Rule 25(1)(b).

Distribution:

Clerk of Court (2)
Counsel: Edward W. Richards
Ralph Stein
Valerie Raudonis
Donna Craig, Supreme Court
File

Ralph H. Wood,
Clerk

Appendix B

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, S.S. SUPERIOR COURT

M85-708 January Term, 1987

Elaine G. Skorko v. John E. Skorko

March 11, 1987

Master recommends:

The merits' hearing in the within case was of four days' duration extending over a period from March of 1986 until March of 1987.

There are two major issues involved, one being the custody of the minor child, Frank, born August 8, 1972 and the second involving the division of the marital assets.

The plaintiff is a registered nurse employed at Peter Bent Brigham Hospital in Massachusetts. The defendant is a practicing attorney in this state with an office at Derry. The parties were married on September 10, 1966 while the defendant was a student at Boston College. Two children were born of the marriage, the other child being Nancy, now aged 18 and a freshman at Boston College. When not in school, Nancy resides with her father. Temporary physical custody of Frank has been with his mother since the parties' separation.

Three of the rulings which will appear in this decree warrant discussion and explanation and these follow:

A. A most difficult question is presented concerning the award of physical custody of Frank. He will be 15 years of age this summer and has indicated a preference to be with his father. He has reached an age where serious consideration has to be given to his wishes (Provencal vs. Provencal 122 NH 793). In considering his wishes the Master finds more probably than otherwise that they are motivated in great part at least from manipulation by the defendant. The evidence is uncontradicted that the defendant curried the favors of both children by his giving each substantial cash gifts during the pendency of these proceedings. In this regard it is to be noted that the source of the cash which constituted these gifts was from funds which were to be utilized by the defendant "only for the necessities of life". In addition, concerning Frank, the evidence has shown that the time and attention the defendant has directed toward him has increased substantially since the inception of these proceedings.

The Master finds that additional evidence of manipulation by the defendant regarding Frank can be found in the letter the defendant wrote to the boy from Florida (see plaintiff's Exhibit #1).

Based upon the evidence and based upon his interview with Frank, the Master does not find that the boy has reached the stage of emotional development and maturity which would mandate the granting of his wishes.

In addition, the Master shares with the guardian ad litem her concern that the defendant's "new found close relationship" with the boy will not continue.

B. The following explanation is presented in justification of the award to the plaintiff of greater than 50% of the marital assets.

The evidence in the case clearly shows that from the inception of the marriage the plaintiff was the major wage earner in the family. Indeed, in the early stages of the marriage, her employment enabled the defendant to complete his education.

The evidence likewise is clear that the defendant did not exert his full efforts to the practice of law and clearly had the potential and the ability to produce much more than he did.

Master has also found that the defendant, who appeared pro se, was not straightforward with the Court as circumstances warranted. Examples of this included:

1. His testimony regarding monies received by him from Gilboa Hill Associates (see plaintiff's Exhibit #12) and his testimony relative to the source of the funds which made up the initial investment in this undertaking.

2. His utilization of most of these funds in complete disregard to any rights which the plaintiff might have had in them. In addition, his making use of some of these funds when such use was in complete contravention of the standing orders of this Court (see plaintiff's Exhibit #16).

3. His actions relative to the transfer of certain of the Westminster, Massachusetts land by the trustee on May 6, 1986 (see plaintiff's Exhibit #22).

C. The third area of discussion involves the real estate located in Westminster, Massachusetts which now forms the corpus of the Skorko Family Trust. From the evidence presented it was most difficult to determine just what its value was as a marital asset. There is no question that some of the monies of the parties were expended on this real estate, but how much was never made clear. It is likewise a fact that others, in addition to the parties, have an interest in said Trust.

In addition, the Master found that the values placed on the Trust real estate by plaintiff's expert (see plaintiff's Exhibits #2 and 3) were considerably in excess of the fair market value of these properties.

Based upon all of the evidence, the Master has ascribed a marital asset value of $35,000 to the three parcels of real estate.

The following orders are entered in this case:

1. Decree of divorce. Grounds - irreconcilable differences which have caused the irremediable breakdown of the marriage.
2. Custody of the minor child is awarded to the parties jointly. Physical custody of the child is awarded to the plaintiff. The child is not to be moved from the State of New Hampshire on a permanent basis without further order of this Court.
3. The defendant is awarded reasonable and liberal rights of visitation with the minor child including, but not necessarily limited to:
   A. Alternate weekends from Saturday morning at 9:00 am to Sunday evening at 8:00 pm.
   B. Tuesdays and Thursday of each week from 2:30 pm until 9:30 pm.
   C. Alternate legal holidays from 8:00 am to 8:00 pm.
   D. The parties shall alternate Thanksgiving, Christmas and New Year's each year commencing with Thanksgiving of 1987, to be spent with the plaintiff. Mother's Day to be spent with the plaintiff and Father's Day with the defendant regardless of whose normal visitation period it would be, with the provision that if the special day is part of the other party's weekend then the visit for the special day will be from 9:00 am to 8:00 pm.
   E. Christmas school vacation for 1987 and 1989.
   F. Spring school vacation in 1987 and 1989.
   G. Winter school vacation in 1988 and 1990.
   H. August of each year.
   I. The defendant is cautioned to be on time when both picking up and returning the minor child.
4. The real estate of the parties located at 26 Old Derry Road, Hudson, is awarded to the plaintiff, free, clear and disencumbered of all right, title or interest of the defendant and subject to the existing encumbrance.
5. Household furniture, furnishings and personal effects are awarded to the party presently in possession of the same.
6. There is no award of alimony or support.
7. The plaintiff is awarded the 1987 Nissan and the 1984 Mazda. The defendant is awarded the Dodge automobile and the BMW motorcycle. The 1983 Fuego is awarded to the parties' daughter, Nancy.

8. Each party is awarded their IRA accounts, free of any claim of the other party. The plaintiff's pension at Peter Ben Brigham Hospital is disencumbered of any claim of the defendant.

9. The plaintiff is awarded all funds on deposit in:

A. Essex Savings Bank, Boston, Massachusetts.

B. The Peter Bent Brigham Hospital Credit Union.

C. The Bank of New Hampshire, Hudson, New Hampshire.

10. The defendant is awarded:

A. All funds on deposit in Numerica Bank.

B. All funds in his general office account at the Derry Bank and Trust Company.

C. All office equipment presently situated in his office at 44 West Broadway, Derry, New Hampshire, all accounts receivable and all rights, title and interest in his law practice.

D. All funds already distributed and to be distributed by Gilboa Associates.

11. The Skorko Family Trust is disencumbered of all right, title or interest of the plaintiff.

12. The plaintiff shall maintain her present accident and health insurance policy for the benefit of the children so long as they remain eligible for coverage under the policy terms.

Each party shall pay 50% of the medical and dental expenses of the children unless otherwise covered by insurance. Medical expenses shall include prescription drugs and prescriptive eyeglasses. Dental expenses shall include necessary orthodontal treatment.

This requirement shall remain in effect so long as the children remain eligible for coverage under the policy terms.

13. The parties shall contribute to the educational expenses of the children as financially able.

14. The parties shall alternate annually the use of the time-sharing interest in Steele Hill Inn Resort. The party using the resort shall be responsible for payment of the maintenance fee for the year in which said time-sharing is enjoyed by that party.

15. No order is entered on plaintiff's motion for contempt (Index #30) or defendant's motion for comtempt (Index #35).

16. The defendant is permanently restrained and enjoined from entering the premises wherein the plaintiff resides or in any way interfering with her personal liberty.

17. Plaintiff's motion for contempt (Index #63) is granted. However, in view of Paragraph 11 above, no action is taken.

18. Any balance due and owing the guardian ad litem shall be paid 50% by each party.

19. The plaintiff's former name of Elaine G. Skeats is restored. Plaintiff's requests are granted with the exception of 13, 22, 23 24, 26 and 30 which are denied, and 14 which is granted in part only.

Appendix C

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, S.S. SUPERIOR COURT

Elaine Grace Skorko, Plaintiff

vs.

John Edward Skorko, Defendant

LIBEL FOR DIVORCE

NOW COMES Elaine Grace Skorko of 26 Old Derry Road, Hudson, County of Hillsborough, and State of New Hampshire and complains against John Edward Skorko, of 26 Old Derry Road, County of Hillsborough, and State of New Hampshire, and says as follows:

1. That the parties were lawfully married in Tilton, New Hampshire, on September 10, 1966. They have been continuously domiciled in New Hampshire for more than one year prior to the filing of this libel;

2. That there have been two children born of this marriage, to wit: Nancy Grace Skorko, born July 22, 1968, and Frank Bernard Skorko, born August 8, 1972;

3. That the parties are the joint owners of the land and building at 26 Old Derry Road which is employed as the family abode and subject to a mortgage to Nashua Federal Savings & Loan.

4. That the parties own certain personal property and furnishings located in said home at 26 Old Derry Road, Hudson, New Hampshire;

5. That the parties are the owners of a 1981 Mazda GLC automobile, a 1983 Fuego and a 1982 Challenger automobile;

6. That the parties are the owners of an interst in land known as Gilboa Hill in Nashua, New Hampshire, and a one third interest in land at Westminster, Massachusetts;

7. That each of the parties are owners of an IRA account in the Nashua Federal Savings Bank standing in the name of each of the parties hereto in the amount of $3,000.00;

8. That the Plaintiff is the holder of a savings account with the Medical Area Credit Union in an amount of $3,000.00;

9. That the parties are the joint owners of a time sharing agreement in Steel Hill Inn;

10. That the Defendant is a self employed attorney actively engaged in the practice of law, and the owner of office furniture, equipment, books and good will related to said practice;

11. That irreconcilable differences have arisen between the parties which have led to the irremediable break down of the marriage.

WHEREFORE the Plaintiff prays that;

A. This Honorable Court enter a decree of divorce between the parties on the grounds of irreconcilable differences;

B. That the parties be awarded joint legal custody of their minor chidren, and that the Plaintiff be awarded the physical custody of the children of the parties;

C. That the Defendant be ordered to pay for the support of the minor children of the parties, such sum as to this Court shall seem fair and just;

D. That the Plaintiff be awarded the land and building at 26 Old Derry Road, Hudson, New Hampshire, free and clear of any interest of the Defendant;

E. That the Plaintiff be awarded the 1984 Mazda GLC automobile free and clear of any interest of the Defendant;

F. That the IRA accounts and all other checking and savings accounts be awarded to the party in whose name said account stands;

G. That all other assets of the parties both real and personal be divided equally between the parties;

H. That pending a hearing on the merits the Plaintiff be granted temporary sole and exclusive use of the marital home and the contents thereof, the custody of the minor children of the parties, the 1984 Mazda GLC automobile, and that the Defendant be ordered to pay such sum for the support of the minor children of the parties as to this Honorable Court shall seem fair and just;

I. And this Court grant such other and additional relief as to seem fair and just.

Elaine G. Skorko

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS. APRIL 18, 1985

Then personally appeared before me, Elaine Skorko and made oath as to the truths of the statement contained in the foregoing Libel for Divorce.

RALPH STEIN, ESQUIRE
68 North Broadway
Salem, New Hampshire 03079

Appendix D

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, S.S. SUPERIOR COURT

Elaine Grace Skorko

v.

John E. Skorko

THE ANSWER OF THE DEFENDANT
AND CROSS-LIBEL

NOW COMES the Defendant, John E. Skorko, in the above entitled matter and says that:

BEST

1. He admits the allegations contained in paragraph 1 that the parties were lawfully married in Tilton, N.H. on September 10, 1966;

2. He admits the allegations contained in paragraph 2 that two children have been born of this marriage;

3. He neither admits or denies the allegations contained in paragraphs 3 through 10 but puts the plaintiff to her proof;

4. That during the marriage the plaintiff acquired an interest in a pension plan;

5. That during the marriage the plaintiff acquired a claim of workmen's compensation;

6. That during the marriage the plaintiff acquired an interest in a disability income program;

7. That irreconcilable differences have arisen between the parties which have led to the irremediable breakdown of the marriage.

WHEREFORE, the Defendants prays that:

A. this Honorable Court enter a decree of divorce between the parties on the grounds of irreconcilable differences;

B. that the parties be awarded joint legal and physical custody of their minor children;

C. that the Plaintiff be ordered to pay for the support of the minor children of the parties, such sum as to this Court shall seem meet and just:

D. that all assets of the parties both real and personal be divided equally between the parties;

E. and this Court grant such other and additional relief as to seem fair and just.

John E. Skorko

AVAILABLE COPY

Appendix E

EXHIBIT A

Range of Value of Assets Introduced at Trial
(In Thousands)

	ASSETS AWARDED TO PLAINTIFF	ASSETS AWARDED TO DEFENDANT
26 Old Derry Road	125 - 165	
Furn. & Jewelry	22 - 26	2 - 4
Vehicles	6 - 8	2 - 3
Bank Accounts	24 - 24	1 - 3
I R A's	17 - 19	20
Pension	8 - 10	0
Business		1 - 2
Skorko Family Inheritance Trust	202 - 256	7 - 35
		33 - 67

TOTAL RANGE OF VALUES OF MARITAL ASSETS

235 - 323

PERCENTAGE OF TOTAL ASSETS AWARDED TO THE DEFENDANT

14% - 20%

Appendix F
EXHIBIT B

New Hampshire Income Considerations

YEAR	ELAINE	JOHN	TOTAL
1971	8,181	9,615	17,947
1972	6,414	14,256	20,665
1973	11,449	11,350	22,799
1974	9,610	8,114	17,724
1975	11,911	11,900	23,811
1976	12,612	12,722	25,334
1977	13,489	14,996	28,484
1978	10,121	15,224	25,345
1979	15,054	16,314	31,368
1980	19,338	12,496	31,814
1981	16,278	17,115	33,393
1982	17,239	12,912	30,151
1983	26,744	11,534	38,278
1984	11,100	3,549	14,649
1985	Between 5/84 and 9/86 Plaintiff was on Workman's Comp. and private disability insurance for carpal tunnel syndrome.		Parties had no marital relations since 12/31/84.
1986			
1987			

ELAINE 1971 - 1984
$189,540.00

JOHN 1971 - 1984
$172,091.00
($41,000) --- $19,000 in disability benefits and $22,000.00 for insurance settlement after claim denied, obtained through sole efforts of Defendant, for damage to parties real property.

SUMMARY OF NEW HAMPSHIRE INCOME CONSIDERATIONS (IN THOUSANDS) THROUGH DATE OF SEPARATION (12-31-84)

Wages	189	172
Disability		19
Settlement		22
TOTALS	189	213

PREMARITAL ASSETS

0 13

PARENTAL CONTRIBUTIONS (GIFT) (EXCLUDING INHERITANCE)

2 - 4 20 - 30